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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 Innovation Law Lab, *et al.*,)
13 Plaintiffs,)
14 v.)
15 Alejandro Mayorkas, *et al.*,)
16 Defendants.)
17
18)

Civil Action No. 3:19-cv-0807-RS

19 **ORDER AS MODIFIED BY THE COURT**



1 **JOINT STATUS REPORT AND REQUEST TO CONTINUE HOLDING ORDER TO**
 2 **SHOW CAUSE IN ABEYANCE**

3 The parties submit this status report, and respectfully request that the Court continue to
 4 temporarily hold in abeyance the Order to Show Cause issued by this Court on August 6, 2021.¹
 5 See Dkt. 131. The Order to Show Cause previously directed Plaintiffs to respond as to why the
 6 instant case should not be dismissed as moot. The parties have jointly moved to temporarily hold
 7 the deadlines in this case in abeyance several times, and the Court has granted each of those
 requests. *See* Dkts. 133, 136, 138, 141.

8 Granting a further abeyance will give the parties time to continue to meet and confer
 9 regarding outstanding issues presented by the case, including whether settlement is possible and
 10 how this case should proceed in light of the nationwide injunction in *Texas v. Biden*, No. 2:21-cv-
 11 0067, 2021 WL 3603341 (N.D. Tex. Aug 13, 2021). As to settlement, the parties have exchanged
 12 additional settlement offers, and Defendants are presently considering a number of issues Plaintiffs
 13 have raised in response to Defendants second counter-offer. As to the *Texas* injunction, the
 14 government is presently re-implementing MPP in compliance with the injunction. *See* Court-
 15 Ordered Reimplementation of MPP Policy Guidance, *at* <https://www.dhs.gov/publication/court-ordered-reimplementation-mpp-policy-guidance>. The government also recently filed a petition for
 16 certiorari seeking review of the Fifth Circuit's decision affirming the injunction. *See* Petition,
 17 *Biden v. Texas*, No. 21-954, *available at* https://www.supremecourt.gov/DocketPDF/21/21-954/206810/20211229162636127_Biden%20v.%20Texas%20-%20Cert%20Petition.pdf. The
 18 Court may rule on that petition as soon as February 18, 2022.

19 The parties continue to meet and confer, but more time is needed. An order continuing to
 20 hold the Order to Show Cause in abeyance is therefore warranted. Accordingly, the parties request
 21 that the Court continue the temporary abeyance of the briefing deadline for the Order to
 22 Show Cause. The parties propose to submit another joint statement four months from today, on
 23 **May 16, 2022.**

24 //

25 ¹ Undersigned counsel conferred with counsel for Plaintiffs, who join this motion.

1 Respectfully submitted,

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12 Dated: January 14, 2022

13 *Attorneys for Defendants*

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22 Dated: January 14, 2022

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